

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

LandAmerica Financial Group, Inc., et al.,

Debtor

Case No.

08-35994-KRH

Chapter 11

(Jointly Administered)

**LIMITED RESPONSE OF THE LECLAIRRYAN PLLC
CHAPTER 7 TRUSTEE TO THE MOTION TO MODIFY FINAL DECREE**

Lynn L. Tavenner, Trustee, and not individually but solely in her capacity as the Chapter 7 trustee (in such capacity, the “**Chapter 7 Trustee**”) of the bankruptcy estate (the “**Estate**”) of LeClairRyan PLLC (“**LeClairRyan**”) in the Chapter 7 case pending in this court, Case Number 19-34574-KRH, hereby files, by counsel, this limited response (the “**Limited Response**”) to the *Motion to Modify Final Decree* (the “**Motion**”)¹ filed in these closed² bankruptcy cases (the “**Cases**”) of LandAmerica Financial Group, Inc., et al.:

LIMITED RESPONSE

1. As indicated in the Motion, this Court entered an order on December 22, 2015, that, among other things, discharged the LFG Trustee, approved a wind-down budget, and closed the

¹ Terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

² The Chapter 7 Trustee, by this Limited Response, reserves all of her rights, including the right to request that the Cases be reopened to the extent necessary to afford all appropriate relief to the LeClairRyan Estate.

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Cases (the “**Final Decree**”). As part of the Final Decree, this Court retained jurisdiction over matters concerning the same.

2. Upon entry of the Final Decree, upon information and belief, the LFG Trustee continued to serve in a fiduciary capacity and sometime thereafter assumed the title of Wind-Down Agent.

3. On August 26, 2019, the Wind-Down Agent submitted a letter (the “**Letter**”), by hand delivery, to the Honorable Kevin R. Huennekens. *See*, Letter from Bruce H. Matson to Hon. Kevin R. Huennekens (Aug. 26, 2019), ECF No. 5768. In his Letter, the Wind-Down Agent indicated that he was incurring costs associated with transferring LFG client files from LeClairRyan.

4. On October 9, 2019, the Wind-Down Agent filed his Motion and served a copy upon the Chapter 7 Trustee of the LeClairRyan Estate. Notwithstanding statements to the contrary in his Letter, the Wind-Down Agent has now indicated in his Motion that all Trust documents have been destroyed.

5. However, the Chapter 7 Trustee has been informed that the transfer of files is not complete and certain of those documents/files remain in the possession of the LeClairRyan Estate. Given that the transfer of files and destruction of documents is incomplete, costs associated with the storage, transfer, and/or destruction of those files continue to be incurred. To the extent such LFG files/documents are in the custody of the LeClairRyan Estate, those costs continue to accrue, remain due and payable, and said payment has not been remitted to the LeClairRyan Estate.

6. Furthermore, the original wind-down budget approved in the Final Decree provided that the Wind-Down Agent was to pay a flat fee each month for the services of his former counsel,

LeClairRyan. The Chapter 7 Trustee requests an accounting so that she can confirm that all sums were appropriately remitted and/or will be remitted to the LeClairRyan Estate.

7. Additionally, the Chapter 7 Trustee requests that the Wind-Down Agent ensure that the LFG client files presently housed and stored by LeClairRyan (including the historical files of the LandAmerica Official Committee of Unsecured Creditors and the LFG Trust) be properly disposed of and that all requisite storage, destruction, and/or transfer costs for those LFG client files, as well as the fees associated with their storage, transfer, and/or destruction are properly remitted to the LeClairRyan Estate.

WHEREFORE, the Chapter 7 Trustee respectfully requests that the Court direct the Wind-Down Agent to provide her with (a) an accounting of fees paid to LeClairRyan as counsel for the Wind-Down Agent since entry of the Final Decree and direct additional payment, if applicable, to the LeClairRyan Estate; (b) payment to the LeClairRyan Estate of all costs associated with the storage, transfer, and/or proper destruction of the LFG client files; and (c) whatever other further relief the Court deems just.

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Respectfully submitted,

LYNN L. TAVENNER, CHAPTER 7 TRUSTEE

Dated: October 15, 2019
Richmond, Virginia

By: /s/ Paula S. Beran
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Certificate of Service

I certify that on this 15th day of October 2019, a true copy of the foregoing Limited Response was sent electronically to the Wind-Down Agent at rtkchallenge@gmail.com, all parties receiving ECF notice in these Cases, and by first-class mail, postage prepaid to

Bruce H. Matson
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/s/ Paula S. Beran
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